

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 ANTHONY JORDAN,

7 Defendant

Case No.: 2:13-cr-00221-APG-CWH

**ORDER DENYING MOTION TO
AMEND**

[ECF No. 280]

8 Defendant Anthony Jordan moves to amend his 28 U.S.C. § 2255 petition to add a
9 ground for relief arguing that his conviction for aiding and abetting bank robbery cannot serve as
10 a predicate crime of violence for his 18 U.S.C. § 924(c) conviction. ECF No. 280. The
11 government opposes the motion, arguing the proposed amendment is futile. I agree that
12 amendment would be futile because the proposed additional ground is foreclosed by *United*
13 *States v. Watson*, 881 F.3d 782 (9th Cir. 2018). I thus deny the motion to amend.

14 Section 924(c) imposes a mandatory consecutive term of imprisonment for using or
15 carrying a firearm “during and in relation to any crime of violence.” 18 U.S.C. § 924(c)(1)(A).
16 The term “crime of violence” is defined as an offense that is a felony and “(A) has as an element
17 the use, attempted use, or threatened use of physical force against the person or property of
18 another, or (B) that by its nature, involves a substantial risk that physical force against the person
19 or property of another may be used in the course of committing the offense.” 18 U.S.C.
20 § 924(c)(3). In *Watson*, the Ninth Circuit held that bank robbery in violation of 18 U.S.C.
21 § 2113(a) categorically qualifies as a crime of violence under § 924(c)(3)(A). 881 F.3d at 786.
22 Jordan concedes this and argues that the Ninth Circuit’s decision was incorrect. But I am bound
23 to follow the decisions of the Ninth Circuit. *Yong v. I.N.S.*, 208 F.3d 1116, 1119 n.2 (9th Cir.

1 2000). If I were to grant Jordan leave to amend his petition to add this claim, I would be bound
2 to immediately deny the claim on its merits as foreclosed by *Watson*. As such, the proposed
3 amendment is futile.

4 I THEREFORE ORDER that defendant Anthony Jordan's Motion to Amend (ECF No.
5 **280**) is **DENIED**.

6 DATED this 11th day of August, 2020.

7
8 

9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23